HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY

Writ Petition No. 27448 of 2005

Between:

K. Krishna Murthy and another

… Petitioners

And

The District Collector,

Krishna District and others

… Respondents

:: ORDER::

Counsel for the petitioner : Sri T.S. Venkata Ramana

December 26, 2005

Per G.S. Singhvi, CJ.

In this petition, the petitioners have prayed for declaring the failure of respondents No.1 to 3 to take action against the unauthorized and illegal

construction of a church in the land bearing D.No.33-15-2, Kadiyalavari street, Vijayawada as illegal and arbitrary and to direct them to take action against respondents No.4 to 6 for removal of illegal and unauthorized construction in the residential area.

At the hearing, Sri T.S. Venkata Ramana, learned counsel for the petitioners submitted that his clients are not aggrieved by the construction of the building, but their grievance is against the use of building as church or for holding prayer meetings at which loud speakers and musical instruments are used.

In our opinion, this is not a fit case for exercise of the Court's power under Article 226 of the Constitution because,

i. the petitioners have not placed on record any tangible material to show that the construction undertaken by respondents No.4 to 6 is contrary to the provisions of the relevant municipal laws or any other Act, rule or regulations.

ii. the petitioners have got effective alternative remedies by way of filing complaint before appropriate authority in regard to the alleged violation of the provisions contained in Noise Pollution (Regulation and Control) Rules, 2000, which had been framed under the Environment (Protection) Act, 1986 read with Rule 5 of the Environment (Protection) Rules, 1986. They can also file complaint under the Code of Criminal Procedure, 1973 for initiation of action against respondents 4 to 6 if the latter commit any act which amounts to an offence.

For the reasons stated above, the writ petition is dismissed.

G.S. SINGHVI, CJ

R. SUBHASH REDDY, J

December 26, 2005.

MVB / svs